

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EARNEST EDWARDS,

Petitioner,

v.

Case No. 05-CV-71105-DT

GERALD HOFBAUER,

Respondent.

ORDER REGARDING ILLEGIBLE DOCUMENTS

The court has previously ordered that certain documents filed by Petitioner Earnest Edwards in the above-captioned case be either returned to Petitioner or, when filed, stricken from the docket for failure to comply with the local rules of this court. (See, e.g., 5/25/05 Order, 8/02/05 Order, 8/15/05 Order.) Additionally, periodically, Petitioner has submitted illegible documents directly to chambers, whereupon they have been returned to him as illegible and as improper communications. Petitioner, however, continues to file illegible documents on a regular and periodic basis in violation of Local Rule 5.1. It appears that Petitioner intends on continuing to file illegible documents despite the court's prior instructions to the contrary. In the interest of conserving judicial resources, the court will not issue an order with respect to each and every submission, but will review them and place them on the docket as "Illegible Document." Nothing more will be done with them unless the court orders otherwise.¹

¹In the event that Petitioner properly files a *legible* document, the court will review and resolve it appropriately.

Further, Petitioner filed an appeal in this case on October 21, 2005. His application to proceed on appeal *in forma pauperis* has been denied, and the court has declined to issue a certificate of appealability. (See 12/27/05 Order.) Petitioner's case, therefore, is properly before the Sixth Circuit Court of Appeals, and this court generally lacks jurisdiction to hear any additional motions. See *Pittock v. Otis Elevator Co.*, 8 F.3d 325, 327 (6th Cir. 1993) (citing *Lewis v. Alexander*, 987 F.2d 392, 394 (6th Cir.1993)) ("As a general rule, a district court no longer has jurisdiction over an action as soon as a party files a notice of appeal, and at that point the appellate court assumes jurisdiction over the matter."). Thus, even if Petitioner's filings were legible, it is unlikely that the court would have jurisdiction over the matter.

Accordingly, unless otherwise ordered, all future illegible documents submitted by Petitioner will be docketed as "Illegible Document."

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 7, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 7, 2006, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522